

# Journal of the Senate

TWENTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 13, 2017, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.  
The roll was called with 40 senators present.  
Invocation by Reverend Cecil T. Washington:

Lord, God, Creator, Sustainer of heaven and earth. Through the Prophet Isaiah (41:4), we learn that You were our beginning and You will be our ending. We learn through the Apostle James (1:17), that every good and perfect gift, especially the gift of love, comes from You. Through Your word in 1 John 4:8, we learn that Your very character is love...that You are the Real Deal when it comes to the expression of LOVE.

Help us show the love to others that You're showing toward us. You love us despite our differences. Your love is real! Teach us to love like You love.

On this eve of Valentine's Day, let the hallmark... the real standard of our service and interaction with others be love without hypocrisy.

It is Your love that has us entering another week of serving. Let the incentive for serving in these halls today stem from that same kind of love...love for You...love for each other and love for the people we serve. And all of it being inspired by Your love for us.

Since Your love is not selfish but heavenly, and concerned with our highest good, let our love in this earthly realm take on heavenly characteristics. Teach us to stretch across temporal differences like race and politics.

When we are scrutinized and examined under the magnifying glass of others, and when we stand before You in our final examination, help us to be seen as the Real McCoys of love. In the name of Him who loved us to death, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 188**, AN ACT concerning income taxation; relating to rates, determination of Kansas adjusted gross income, modifications, standard and itemized deductions; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117, 79-32,119 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269, by Committee on Assessment and Taxation.

**SB 189**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and

limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 2-223, 55-193, 74-50,107, 74-99b34, 75-6702, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804, 82a-953a and repealing the existing section; amending K.S.A. 2016 Supp. 12-5256 and repealing the existing section, by Committee on Ways and Means.

**SB 190**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the judicial branch, by Committee on Ways and Means.

**SB 191**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, and June 30, 2023, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 74-4920, 75-2263, 75-2319 and 75-4209 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 75-2319d, by Committee on Ways and Means.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 185**.

Ethics, Elections and Local Government: **HB 2013**.

Financial Institutions and Insurance: **HB 2067**.

Judiciary: **SB 179, SB 180, SB 184; HB 2092**.

Public Health and Welfare: **SB 187**.

Transportation: **SB 181**.

Utilities: **SB 182, SB 183**.

Ways and Means: **SB 186; HB 2109**.

#### CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **SB 147** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Assessment and Taxation**.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2041, HB 2054, HB 2069, HB 2084, HB 2137**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2041, HB 2054, HB 2069, HB 2084, HB 2137** were thereupon introduced and read by title.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau and Rogers introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1712—

A RESOLUTION congratulating and commending Olympic boxer

and Wichita native, Nico Hernandez, for winning a bronze medal at the 2016 Rio Olympic Games.

WHEREAS, Nico Hernandez was born in Wichita, Kansas, on January 4, 1996; and  
 WHEREAS, At nine years old, Nico began his journey to boxing stardom when his father, Lewis, whom Nico credits with his success, began training Nico to be a boxer at the Northside 316 Boxing Club; and

WHEREAS, Nico's amateur career leading up to the Olympics was filled with many accomplishments, such as becoming the 2011-2012 Junior Olympic National Champion, the 2014 Youth Open Champion, the 2015 Continental Championships Bronze Medalist, the U.S. Olympic Trial Champion and the Americas Olympic Qualifier Silver Medalist; and

WHEREAS, After losing his best friend, Tony Losey, in 2014, Nico's desire to honor Tony's memory helped him reach new heights; and

WHEREAS, In Rio, Nico defeated Italy's Manuel Cappai in his first bout by a 3-0 decision. The next two matches were much the same when he defeated Russia's Vasili Egorov and Ecuador's Carlos Eduardo Quipo Palaxti to advance to the semi-finals. Nico ensured his place on the winners' podium by earning the Olympic bronze medal and the first United States men's boxing medal since the 2008 Beijing Olympic Games; and

WHEREAS, Nico is the first person from Wichita to win an Olympic medal since 1984, and the first person to win an individual medal since former Congressman Jim Ryun in 1968; and

WHEREAS, While representing his country abroad, Nico inspired many young people in Wichita by demonstrating that no matter where you are born or what your life circumstances may be, hard work and dedication will allow you to follow your dreams; and

WHEREAS, Since his return to Wichita, Nico has been a constant presence in Wichita area schools, where he continues to encourage the next generation to work hard and focus on their goals, and never stop pursuing them: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Olympic boxer and Wichita native, Nico Hernandez, for winning a bronze medal at the 2016 Rio Olympic Games; and

*Be it further resolved:* That the Secretary of the Senate shall send enrolled copies of this resolution to Nico Hernandez, Lewis Hernandez, Chello Hernandez, Tony Losey, Pat Villa, Brandon Findley and Senators Faust-Goudeau and Rogers.

On emergency motion of Senator Faust-Goudeau **SR 1712** was adopted unanimously.

The senate honored Mico, his parents Lewis and Chello Hernandez, and other guests with a standing ovation.\

## REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 42**, **SB 93** be passed.

Also, **SB 120**, **SB 149** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

**SB 112** be amended on page 2, following line 8, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 21-5807 is hereby amended to read as follows: 21-5807. (a) Burglary is, without authority, entering into or remaining within any:

(1) Dwelling, with intent to commit a felony, theft or sexually motivated crime

therein;

(2) building, manufactured home, mobile home, tent or other structure which is not a dwelling, with intent to commit a felony, theft or sexually motivated crime therein; or

(3) vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property, with intent to commit a felony, theft or sexually motivated crime therein.

(b) Aggravated burglary is, without authority, entering into or remaining within any:

(1) Dwelling in which there is a human being, with intent to commit a felony, theft or sexually motivated crime therein;

(2) building, manufactured home, mobile home, tent or other structure which is not a dwelling in which there is a human being, with intent to commit a felony, theft or sexually motivated crime therein; or

(3) vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property in which there is a human being, with intent to commit a felony, theft or sexually motivated crime therein.

(c) (1) Burglary as defined in:

(A) (i) Subsection (a)(1) ~~or~~ is a severity level 7, person felony, except as provided in subsection (c)(1)(B);

(ii) subsection (a)(2) is a severity level 7, nonperson felony, except as provided in subsection (c)(1)(B); and

~~(ii)~~ (iii) subsection (a)(3) is a severity level 9, nonperson felony, except as provided in subsection (c)(1)(B); and

(B) (i) subsection (a)(1), with intent to commit the theft of a firearm, is a severity level 5, person felony; and

(ii) subsection (a)(2) or (a)(3), with intent to commit the theft of a firearm, is a severity level 5, nonperson felony.

(2) Aggravated burglary as defined in:

(A) Subsection (b)(1) is a severity level 4, person felony; and

(B) subsection (b)(2) or (b)(3) is a severity level 5, person felony.

(d) As used in this section, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) This section shall not apply to any person entering into or remaining in a retail or commercial premises at any time that it is open to the public after having received a personal communication from the owner or manager of such premises not to enter such premises pursuant to K.S.A. 2016 Supp. 21-5808, and amendments thereto, except when such person is entering into or remaining in such premises with the intent to commit a person felony or sexually motivated crime therein.";

Also on page 2, in line 9, by striking "is" and inserting "and 21-5807 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "penalty" and inserting "burglary"; also in line 3, after "21-5709" by inserting "and 21-5807"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, February 14, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

